

Boss Hearing - Vol I

0001

IN THE CIRCUIT COURT  
OF THE 17TH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO: 06-18980CF10A  
09-14241CF10A  
JUDGE: DALE C. COHEN

STATE OF FLORIDA,  
Plaintiff,  
vs  
STEVEN GIBBS,  
Defendant.

-----/

Broward County Courthouse  
201 Southeast Sixth Street  
Fort Lauderdale Florida  
October 22nd, 2009

HEARING PROCEEDINGS

Proceedings held in the above-entitled cause,  
taken before CARRIE GIVEN, Stenographic Reporter  
and Notary Public within and for the state of Florida  
at Large, held before the HONORABLE JUDGE DALE C. COHEN.

0002

APPEARANCES:

IMABEL OCASIO, ESQ.  
STATE ATTORNEY'S OFFICE  
201 SE 6th Street  
Fort Lauderdale, FL 33301  
On behalf of the State.

ANDREW COFFEY, ESQ.  
THE LAW FIRM OF MARC SHELOWITZ AND ANDREW COFFEY  
208 SE 6th Street  
Ft. Lauderdale, FL 33301  
On behalf of the Defendant.

F

Boss Hearing - Vol I

0003

\* \* \* \* \*

(Thereupon, the following proceedings were had,)

MR. COFFEY: Judge, Mr. Gibbs on Page 1.

There's two cases on the docket. First off, the front end of the case is that his father is going to wire over to my trust account this afternoon. And I'm trying to work out the other case. I have Mr. Catri looking over it right now because there's a driver's license suspension that goes along with that particular crime.

He scores any non-state but if he pleas his charge he's going to lose his driver's license and he can't pay Mr. Farrington's case back so I have Mr. Catri looking at it right now and I'm asking if you could roll this till Monday and hopefully I can -- we can resolve both cases.

THE COURT: Let me just do this --

MR. COFFEY: Okay.

THE COURT: Let me just talk to Mr. Gibbs for a moment.

MR. COFFEY: Okay.

THE COURT: I know at some point Mr. Melnick had filed a motion to recuse.

MR. COFFEY: Right.

THE COURT: And Mr. Melnick never filed it with

0004

the State Attorney's Office in that case.

MR. COFFEY: Right.

THE COURT: Mr. Gibbs, could you please raise your right hand?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE DEFENDANT: Yes, sir.

THE COURT: Please state your name?

THE DEFENDANT: Steven Gibbs.

THE COURT: Now the history of this case, you're -- who originally was your lawyer on this case?

THE DEFENDANT: Steven Melnick.

THE COURT: Before Steven Melnick do you remember who?

THE DEFENDANT: No, I don't know. I forgot his name.

THE COURT: Was it a public defender or a private lawyer?

THE DEFENDANT: No, private lawyer. With this new case I just got -- It started off as Steven Melnick.

THE COURT: Robert Pasin.

THE DEFENDANT: Yeah, that's his name.

THE COURT: All right. Okay. I do see -- Mr. Melnick had filed a motion to recuse me, which I granted, and I sent it over to another division.

0005

THE DEFENDANT: Right. It was sent to Gillespie and then I switched attorneys --

THE COURT: Right.

THE DEFENDANT: -- and since there wasn't a conflict I got turned back over to your courtroom.

THE COURT: Okay. Did you have any concerns about my ability to be fair and impartial in your case?

THE DEFENDANT: No.

THE COURT: Let me just tell you, there's no threat, no inclinations whatsoever. If you have any

Boss Hearing - Vol I

11 problem with me whatsoever --  
12 THE DEFENDANT: No, no.  
13 THE COURT: When Mr. Melnick -- What did  
14 Mr. Melnick tell you?  
15 THE DEFENDANT: Well, you know, he took -- He  
16 took my money first and then told me he had a conflict  
17 with you afterwards.  
18 THE COURT: Did he ever explain you what the  
19 conflict was?  
20 THE DEFENDANT: Very vaguely. You know, I was  
21 just concerned at that moment because he's like -- He  
22 should have passed me on to somebody else. Like, you  
23 shouldn't have taken my money if he knew he had a conflict  
24 with you or your wife. So --  
25 THE COURT: So you think he explained something  
0006  
1 about him and my wife?  
2 THE DEFENDANT: Right. Something -- I mean, I  
3 couldn't really understand. Something about a campaign  
4 and I was just like, you know, he should have -- there was  
5 other people in your firm, you could have just passed me  
6 on.  
7 THE COURT: Okay.  
8 THE DEFENDANT: And --  
9 THE COURT: Well, I mean, you have the right to  
10 hire any lawyer you want and if that lawyer has a problem  
11 with me then I get off the case. Mr. Melnick wouldn't  
12 have to get off the case if he had a problem with me.  
13 THE DEFENDANT: I don't have a problem with  
14 you. I have a problem with Melnick having a problem with  
15 your wife.  
16 THE COURT: Okay.  
17 THE DEFENDANT: And I had a problem with him  
18 taking my money and not telling me until afterwards when  
19 he already knew when I said your name.  
20 THE COURT: Okay.  
21 THE DEFENDANT: When he looked it up in the  
22 computer.  
23 THE COURT: Okay.  
24 THE DEFENDANT: He already had known.  
25 THE COURT: I have no problem with Steve

0007  
1 Melnick whatsoever and --  
2 THE DEFENDANT: I don't --  
3 THE COURT: I just want to make sure that you,  
4 when you sit here with me as a judge, you have no question  
5 with me as your judge or that I have anything against you  
6 whatsoever.  
7 THE DEFENDANT: No, not at all.  
8 THE COURT: Okay.  
9 MR. COFFEY: And like I said, Judge, if this  
10 was a regular situation we probably would just resolve it  
11 but because you don't have any authority to do anything  
12 with the driver's license I have to go through the State.  
13 THE COURT: All right. I'll put you on for  
14 Monday.  
15 MR. COFFEY: Perfect. All right, Judge. Thank  
16 you. Have a good weekend.

(Hearing concluded.)

\* \* \* \* \*

22  
23  
24  
25  
0008  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

COUNTY OF BROWARD)  
STATE OF FLORIDA)

I, CARRIE GIVEN, Shorthand Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the foregoing is true and accurate as reported by and before me at the time and place and the date herein before forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

Witness my hand and official seal in the city of Fort Lauderdale, County of Broward, State of Florida.

Carrie Given  
Court Reporter